

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

STEVEN ARLOW, Individually and on Behalf of)
All Other Persons Similarly Situated,)

Plaintiff,)

v.)

Case No. 3:11-CV-386

MILLER ENERGY RESOURCES, INC. f/k/a)
MILLER PETROLEUM, INC., SCOTT M.)
BORUFF, and PAUL W. BOYD,)

Defendants.)

JAMES D. DiCENSO, Individually and on Behalf)
of All Others Similarly Situated,)

Plaintiff,)

v.)

Case No. 3:11-CV-387

MILLER ENERGY RESOURCES, INC., DELOY)
MILLER, SCOTT M. BORUFF,)
PAUL W. BOYD, and DAVID J. VOYTICKY,)

Defendants.)

(captions continued on next page)

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BRANDON W. WARD, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

V.

MILLER ENERGY RESOURCES, INC. f/k/a
MILLER PETROLEUM, INC., SCOTT M.
BORUFF, and PAUL W. BOYD,

Defendants.

YINGTAO LIU, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

V.

MILLER ENERGY RESOURCES, INC., SCOTT M. BORUFF, PAUL W. BOYD, DELOY MILLER, DAVID J. VOYTICKY, HERMAN GETTLEFINGER, JONATHAN S. GROSS, DAVID M. HALL, MERRILL A. MCPEAK, CHARLES STIVERS, and DON A. TURKELSON.

Defendants.

**[PROPOSED] AGREED ORDER CONSOLIDATING RELATED
ACTIONS AND APPOINTING LEAD PLAINTIFF AND LEAD COUNSEL**

WHEREAS, on August 12, 2011, a putative securities class action was filed in this Court captioned *Husu v. Miller Energy Resources, Inc. et al.*, Case No. 3:11-cv-375 (the “Husu Action”) against Miller Energy Resources Inc. (“Miller Energy”) and certain of its officers on behalf of purchasers of Miller Energy securities;

WHEREAS, on August 12, 2011, in accordance with 15 U.S.C. § 78u-4(a)(3)(A) (the “PSLRA”), a notice was published on *Business Wire* informing Miller Energy investors of the filing of the Husu Action and of the time within which to file motions seeking appointment as Lead Plaintiff in the action;

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WHEREAS, the Husu Action as been voluntarily dismissed;

WHEREAS, the four above-captioned actions (the “Actions”) are putative securities class actions against Miller Energy and certain of its officers and directors that were filed between August 16 and August 22, 2011, on behalf of purchasers of Miller Energy securities;

WHEREAS, all of the Actions arise from the same or substantially similar facts and assert the same or substantially similar claims;

WHEREAS, three movants – Oklahoma Firefighters Pension and Retirement System; Electrical Workers Pension Fund, Local 103, I.B.E.W.; and Cyril Olevsky and Shulamith Appell (collectively, the “Movants”) – filed motions within the time provided by the PSLRA, seeking to consolidate the Actions and for appointment as Lead Plaintiff and for approval of their selection as counsel as Lead Counsel pursuant to the PSLRA;

WHEREAS, the Movants and the plaintiffs in the Actions consent to the entry of an Order as provided for herein; and

WHEREAS, while Defendants do not oppose the Court’s appointment of Lead Plaintiff and Lead Counsel at this time, Defendants do not consent to such appointment, and expressly reserve their rights to challenge the adequacy of the Lead Plaintiff in connection with Defendants’ response to any amended complaint and/or in connection with any later motion for class certification;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The actions captioned *Arlow v. Miller Energy Resources, Inc., et al.*, No. 3:11-CV-386, *DiCenso v. Miller Energy Resources, Inc., et al.*, No. 3:11-CV-387, *Ward v. Miller Energy Resources, Inc., et al.*, No. 3:11-CV-391, and *Liu v. Miller Energy*

Resources, Inc., et al., No. 3:11-CV-397 are hereby consolidated for all purposes under the caption *Arlow v. Miller Energy Resources, Inc., et al.*, No. 3:11-CV-386 (the “Consolidated Action”).

2. All documents filed to date in any of the cases consolidated herein are deemed a part of the record in the Consolidated Action.

3. Counsel for the parties in this Consolidated Action shall notify the Clerk of this Court of the filing or transfer of any other case that might properly be consolidated into the Consolidated Action. If an action arising out of or relating to the same facts and claims alleged in the Consolidated Action is hereafter filed in or transferred to this District, the Clerk of this Court shall promptly:

- a. File a copy of this Order in the separate file for such action;
- b. Mail a copy of this Order to counsel for the plaintiff(s) in the newly filed or transferred case;
- c. Upon the first appearance of any new defendant(s) in the newly filed or transferred case, mail a copy of this Order to counsel for such new defendant(s); and
- d. Make the appropriate entry(ies) on the docket of the consolidated action to indicate that the Order has been mailed as set forth above.

4. Each new case arising out of or relating to the same facts and claims alleged in the Consolidated Action, which is hereafter filed in this District or transferred to this District, shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party, within twenty (20) days after the date upon which a copy of this Order is mailed to counsel for that party, files an application for relief from this

Order or any provision herein and this Court deems it appropriate to grant the application. The provisions of this Order shall apply to such action pending the Court's ruling on the application.

5. The Court finds that Oklahoma Firefighters Pension and Retirement System is the most adequate plaintiff.

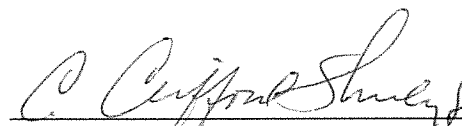
6. Oklahoma Firefighters Pension and Retirement System is hereby appointed Lead Plaintiff in the Consolidated Action pursuant to Section 21D(a)(3) of the Securities Exchange Act of 1934 and 15 U.S.C. § 78u-4(a)(3)(B), as amended by the PSLRA.

7. The selection by the Oklahoma Firefighters Pension and Retirement System of the law firm of Grant & Eisenhofer P.A. to serve as Lead Counsel is approved, and Grant & Eisenhofer P.A., is hereby appointed Lead Counsel in the Consolidated Action pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v).

8. The law firm of Branstetter, Stranch & Jennings, PLLC is hereby appointed as liaison counsel for the plaintiffs in the Consolidated Action.

IT IS SO ORDERED.

Dated: _____



The Hon. C. Clifford Shirley
United States Magistrate Judge

AGREED AND CONSENTED TO:

/s/ James G. Stranch, III

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